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ABSTRACT

An estimated 200,000-800,000 children and adolescents work in the United States as migrant agricultural laborers, either alone or with their families. This digest describes the statutory and economic factors contributing to the presence of children in the fields and the impact of this labor on their health and educational progress. The Fair Labor Standards Act, which outlaws or restricts child labor in most industries, allows 14-year-old agricultural laborers to work unlimited hours and permits 16-year-olds to perform hazardous jobs. Few complaints of child labor are filed, and accidents result in only minimal fines. Economic necessity causes most child labor, as over half of migrant farmworkers live in poverty. In addition, real wages of farmworkers have declined in the past decade, and payroll practices work to the detriment of farmworker families. The health and well-being of children and adolescents who work in agriculture are jeopardized by long hours of labor, dangerous working conditions, and lack of sanitary facilities in the fields. Farmworker children, like their parents, are not fully covered by workers' compensation benefits. Pesticides are an ever-present danger on the farm, and children are more likely to be harmed by pesticide exposure. Educational impacts of migrant child labor include entering school at an older age, high dropout rates, disrupted school attendance, and inability to concentrate in school due to fatigue or illness. Contains 12 references. (SV)

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Child Labor in Agriculture

by Shelley Davis

CHILD labor has long been a feature of American agriculture. It is estimated that from 200,000 to 800,000 children and adolescents continue to work in agriculture today. Some travel with their families, while a growing number are unaccompanied youth (Commission on Security and Cooperation in Europe [CSCE], 1993; Gabbard, Mines, & Boccalandro, 1994). This Digest describes the statutory and economic factors contributing to the presence of children in fields alongside their parents and the impact of this labor on their health and educational progress.

Statutory Protections

The Fair Labor Standards Act (FLSA), which outlawed child labor in most industries in 1938, did not impose age limits on agricultural labor until 1974. The FLSA, however, continues to provide less protection for children who work in agriculture than for those who work in other industries. Outside of agriculture, youth must be at least 16 years old before they can be employed for unlimited time periods, and they must be at least 18 years old before they can work in hazardous occupations. Fourteen- and 15-year-olds can work only outside of school hours (FLSA, 29 U.S.C. § 203[l]).

By contrast, in agriculture, 14-year-olds can work for unlimited hours and 16-year-olds can perform even hazardous jobs—operating heavy equipment, working on a 20-foot ladder, or handling pesticides (FLSA, 29 U.S.C. § 213[a][6]). Even younger children may be employed outside of school hours or to work alongside their parents. Children of any age can work on their parents' farm without any legal restrictions, even doing hazardous work (U.S. General Accounting Office [USGAO], 1992).

Few complaints of child labor are filed. Generally, violations are uncovered only when there is an accident or fatality and even then only minimal fines are imposed. In one instance, the Labor Department imposed a mere $1,000 fine on a grower when a 15-year-old worker was killed in an orchard. Only after a subsequent personal injury lawsuit resulted in a huge verdict for the victim's family did the grower even post a sign saying that children under 18 could not be employed on that farm (CSCE, 1993). The National Child Labor Committee estimates that there are at least 100,000 minors working on farms in violation of statutes each year (USGAO, 1992).

A Demographic Profile of Farm Laborers

Farmworker families are overwhelmingly people of color. Seventy percent or more are Hispanic and others are African American, Asian, Haitian, West Indian, and Native American. The median education level among farmworkers is eighth grade, and many speak little or no English (Mines, Gabbard, & Samardick, 1993). Approximately 75 percent of all farmworkers are U.S. citizens or have lawful resident status (U.S. Commission on Immigration Reform, 1995).

Economic necessity causes most child labor on farms. According to the Census Bureau, 46 percent of all farmworkers live below the poverty line (Mines, Gabbard, & Samardick, 1993). With average annual earnings of $6,500, many farmworkers do not earn enough to keep a family of four out of poverty even when both parents work (U.S. Commission on Agricultural Workers, 1992). Among *migrant* farmworkers (i.e., those who travel more than 75 miles from their home to work), the median income is even lower, only $5,000 per year, and 57 percent live in poverty. Even worse, an estimated 73 percent of migrant farmworkers' children under age 14 live in poverty (Gabbard, Mines, & Boccalandro, 1994).

Nor is the economic status of farmworkers improving. Real wages for all farmworkers have declined during the last decade (U.S. Commission on Agricultural Workers, 1992). In Florida, for example, orange pickers are paid $.55 per box, and this piece rate has remained unchanged for the past 25 years.

Payroll practices also work to the detriment of farmworker families. Frequently, the earnings of whole families are listed in payroll records under the name of the male head of household. This practice keeps other family members from earning the minimum wage or receiving credit towards Social Security, unemployment compensation, or workers' compensation benefits. By putting fewer workers on the payroll, some employers are able to escape coverage under the Fair Labor Standards Act altogether, because the FLSA applies only to employers who use 500 man-days of labor in a calendar quarter (FLSA, 29 U.S.C. § 213[a][6]; CSCE, 1993).

Occupational Injuries Among Children

The health and well-being of children and adolescents who work in agriculture are jeopardized by the long hours of labor and dangerous working conditions (USGAO, 1992). Work takes place before, during, and after school hours. An estimated 27,000 children, age 19 and under, who both live and work on farms suffer work-related injuries, and an additional 300 die from work-related accidents (Wilk, 1993). These figures understate the extent of the problem because they exclude youngsters who work but do not live on farms.

Children on farms climb ladders to prune trees, use knives to harvest crops, carry heavy buckets full of produce, drive or ride on tractors, and care for animals. Many work long hours, from early in the morning to late in the night. Job-related injuries and fatalities are caused primarily by tractors, farm machinery, pesticides, farm animals, falls, and drowning. The lack of sanitary facilities in the fields also leads to dermatitis, third-world levels of parasitic and urinary tract infection, respiratory illness, eye disease, and heat-related illness (52 Fed. Reg. 16,050, 1987).

Farmworker children, like their parents, are not fully covered by workers' compensation benefits when they are injured on the job. Only 13 jurisdictions provide the same workers' compensation coverage for agricultural workers

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as for other employees. Fourteen states provide no mandatory coverage for farmworkers (Alabama, Arkansas, Idaho, Indiana, Kansas, Kentucky, Mississippi, Nebraska, Nevada, New Mexico, North Dakota, Rhode Island, South Carolina, and Tennessee) and the remaining jurisdictions provide only limited protection (U.S. Department of Labor, 1996). Where there is partial coverage, some states, like Florida and Maryland, exempt small farms from the program; and others, like Maine, exclude from benefits those who do not work year-round.

Injuries from Pesticides

Pesticides are an ever-present danger on the farm, with 1.2 billion pounds of pesticides used in U.S. agriculture annually. The Environmental Protection Agency (EPA) estimates that as many as 300,000 farmworkers suffer from pesticide-related illnesses or injuries each year (USGAO, 1992). One New York study found that one third of the children interviewed who had worked in agriculture the previous year had been injured by pesticides in that time period (USGAO). As harvesters, children encounter pesticide residues on crops. When children and adolescents eat, drink, or smoke in the fields, they ingest pesticides. And all too often youngsters are exposed to direct spray or drift while working in fields or at home in adjacent migrant labor camps. These chemicals cause acute ailments such as skin rashes, eye irritation, flu-like symptoms, and even death. They may also cause chronic harms such as birth defects, sterility, neurological damage, liver and kidney disease, and cancer (Wilk, 1993). Children are more likely to be harmed by pesticide exposures than are adults because children have lower body weight, higher metabolism, and immature immune and neurological systems (National Research Council, 1993).

Educational Impact

Economic pressures lead many farmworker children to work when they should be in school (Stancill, 1993). Many enter school at an older age and drop out before they can graduate from high school. Work schedules of parents and children also interfere with education, as some migrant children begin their school year in October or November and leave before the semester is finished (CSCE, 1993). For children whose families return to Mexico during the year, the disruption may be even more severe, because school systems on both sides of the border generally have not recognized the progress students make outside of their own systems. This may be changing, however, with the Migrant Education Binational Program, which now involves 32 Mexican and at least 10 U.S. states in information exchanges about individual students (Flores, 1996, pp. 10-11).

Some American school districts tailor their schedules around harvest periods. In Maine, where child labor has long been crucial for the potato harvest, some school districts close during this time period.

Even when farmworker children attend school, they are often tired, irritable, or unable to concentrate due to hunger, illness, or fatigue (True, 1991). A 1991 California study, analyzing some of the factors that adversely affect migrant students' educational achievement, found that 70 percent of migrant students entering kindergarten had low English proficiency (which remained at 39 percent for migrant 12th graders); 49 percent of migrant students were overage for their grade level; and substantial numbers had poor attendance records.

The Migrant Education Program was instituted in 1965 as part of the Federal Elementary and Secondary Education Act (Public Law 95-561, 20 U.S.C. § 6391 *et seq.*) to serve the special educational needs of migrant students. Currently, the federal government provides more than $300 million to state-run programs to fund summer school, interstate coordination, high school equivalency programs, and other special services to help migrant children complete their education. Children are considered "migrants", and therefore eligible for these services, if they do not have a high school diploma and have traveled outside the school district to enable themselves or their parents to do agricultural labor or fishing within the past three years (34 C.F.R. § 200.40[c]). Despite these special programs, school enrollment for migrant children is lower than that of any other population group, and their high school dropout rate is twice the national average. Only 10 percent of migrant children complete the 12th grade (CSCE, 1993).

Even young children may be in the fields because day care is unavailable. Migrant Head Start served 34,000 infants and young children in 1994, but lacks sufficient funding to serve all who need it. Private day care is too costly and inaccessible to be an option for most farmworkers. In one labor camp, a 4-year-old boy was found with a rope tied to his hand on one end and to a bed on the other. The rope enabled him to reach the bathroom and the food that was left for him, but kept him inside. That was the only day care available for him (CSCE, 1993).

Conclusions

For nearly 60 years, most children in the United States have been protected from the hazards of the workplace and from economic forces that once compelled them to contribute to the family income. However, to this day, migrant farmworkers' children are exposed to many work-related conditions that threaten their health and their long-term prospects for participating as educated Americans in the mainstream economy.

References

Commission on Security and Cooperation in Europe. (1993). *Migrant farmworkers in the United States. Implementation of the Helsinki Accords. Briefings of the Commission on Security and Cooperation in Europe (July 20, 1992; October 9, 1992; February 19, 1993; March 1, 1993; April 8, 1993).* Washington, DC: U.S. Government Printing Office. (ERIC Document Reproduction Service No. ED 365 486)

Flores, J. L. (1996). *Children of la Frontera: Binational efforts to serve Mexican migrant and immigrant students.* Charleston, WV: ERIC Clearinghouse on Rural Education and Small Schools. (ERIC Document Reproduction Service No. ED 393 631)

Gabbard, S., Mines, R., & Boccalandro, B. (1994). *Migrant farmworkers: Pursuing security in an unstable labor market.* Washington, DC: U.S. Department of Labor, Office of the Assistant Secretary for Policy.

Mines, R., Gabbard, S., & Samardick, R. (1993). *U.S. farmworkers in the post-IRCA period: Based on data from the National Agricultural Workers Survey (NAWS).* U.S. Department of Labor, Office of Program Economics, Research Report No. 4. Washington, DC: U.S. Government Printing Office.

National Research Council. Committee on Pesticides in the Diets of Infants and Children. (1993). *Pesticides in the diets of infants and children.* Washington, DC: National Academy Press.

Stancill, N. (1993, April 11). Children of the fields. *Houston Chronicle.*

True, L. (with Aumann, M.). (1991). *Hunger in the heartland.* Fresno: California Rural Legal Assistance Foundation.

U. S. Commission on Agricultural Workers. (1992). *Report of the Commission on Agricultural Workers.* Washington, DC: Author.

U. S. Commission on Immigration Reform. (1995). *Legal immigration: Setting priorities.* Washington, DC: U.S. Government Printing Office.

U. S. Department of Labor. (1996). *State Workers' Compensation Laws.* Washington, DC: Author, Employment Standards Administration, Office of Workers' Compensation Programs.

U. S. General Accounting Office. (1992). *Hired farmworker: Health and well-being at risk: Report to congressional requesters.* (HRD-20-46). Washington, DC: author.

Wilk, V. (1993). Health hazards to children in agriculture. *American Journal of Industrial Medicine, 24,* 283-290.

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